

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

PLASSEIN INTERNATIONAL
CORP., *et al.* (n/k/a PL Liquidation Corp.),
Debtors.,¹

CHAPTER 7

Bankr. Case No. 03-11489-KG
Jointly Administered

WILLIAM BRANDT, as he is
the Trustee of the Estate of
Plassein International Corp., *et al.*,

Adversary Proceeding No.
05-50692-KG

Appellant,

v.

Civil Action No. 07-345-JJF

B.A. Capital Co. LP,
The Andrew Marshall Forsberg Trust,
Ethel Forsberg Revocable Trust,
Janis Rae Forsberg Trust,
Frank John McCarthy, Daniel R. Orris,
Bernadine Orris, Charles J. Warr,
Paul D. Gage, Stephen S. Wilson,
G. Kenneth Pope, Jr., Kenneth Olenler,
Daniel A. Jones, III, Sam Chebeir,
Thomas F. Ray, Ruth L. Fischbach,
Mark R. Freedman, Robert N. Zeitlin,
Sidney Zeitlan, ZFC Associates, Inc.,
William G. Russell, Robert N. Zeitlin 1999
Charitable Remainder Unitrust,

Appellees.

DESIGNATION OF RECORD ON APPEAL

Additional Debtors include all of Plassein International Corp.'s wholly-owned domestic subsidiaries: Plassein International of Martin, Inc.; Plassein International of Ontario, LLC; Plassein International of Salem, Inc.; Plassein International of Spartanburg, Inc.; Plassein International of Thomasville, Inc.; and Teno Films, Inc.

William Brandt, as Trustee of the Estates of Plassein International Corp., *et al.*, by and through undersigned counsel, and pursuant to Fed. R. App. P. 6(b), hereby designates the following items to be included in the record on appeal for the appeal filed under 28 U.S.C. § 158(d) of the order of the Honorable Joseph J. Farnan, Jr. of May 15, 2008 [Dock. No. 25; related Dock. No. 24]² affirming the order of the Honorable Kevin Gross entered in the above-captioned adversary proceeding on April 20, 2007 [D.I. No. 71; related D.I. No. 70]:

Record on Appeal

1. Complaint [D.I. No. 1];
2. Memorandum of Law in Support of the Application of the Marshall Plastic Film Defendants, Pursuant to Federal Rule of Bankruptcy Procedure 7012(b) for Entry of an Order Dismissing the Adversary Complaint as it Relates to the Marshall Plastic Film Defendants [D.I. No. 22];
3. Application of the Marshall Plastic Film Defendants, Pursuant to Federal Rule of Bankruptcy Procedure 7012(b) for Entry of an Order Dismissing the Adversary Complaint as it Relates to the Marshall Plastics Defendants [D.I. No. 23];
4. B.A. Capital Company L.P.'s Motion to Dismiss Complaint [D.I. No. 25];
5. Defendants Charles J. Warr, Paul D. Gage, Stephen S. Wilson, G. Kenneth Pope, Jr., Kenneth Olender and Daniel A. Jones III's Motion to Dismiss [D.I. No. 26];
6. Opening Brief in Support of Defendants Charles J. Warr, Paul D. Gage, Stephen S. Wilson, G. Kenneth Pope, Jr., Kenneth Olender and Daniel A. Jones III's Motion to Dismiss [D.I. No. 27];
7. Sam Chebeir's Motion to Dismiss [D.I. No. 28];
8. Opening Brief in Support of Sam Chebeir's Motion to Dismiss [D.I. No. 29];

² "Dock. No." shall refer to the docket on appeal in this matter in the District Court and "D.I. No." shall refer to the docket in the underlying adversary proceeding in the Bankruptcy Court.

9. Key Packaging Defendants' Motion to Dismiss the Complaint [D.I. No. 30];
10. Key Packaging Defendants' Opening Brief in Support of Their Motion to Dismiss the Complaint [D.I. No. 31];
11. Declaration of Laurie Selber Silverstein in Support of Key Packaging Defendants' Motion to Dismiss the Complaint [D.I. No. 32];
12. Plaintiff's Consolidated Brief in Opposition to Defendants' Various Motions to Dismiss the Complaint [D.I. No. 37];
13. Affidavit of Charles R. Bennett, Jr. in Support of the Trustee's Opposition to the Defendants' Motions to Dismiss [D.I. No. 38];
14. Reply Memorandum In Further Support of B.A. Capital Motion to Dismiss Complaint [D.I. No. 43];
15. Response to the Trustee's Objection to the Application of The Marshall Plastic Film Defendants, Pursuant to Federal Rules of Bankruptcy Procedure 7012(B) for the Entry of an Order Dismissing the Adversary Complaint as it Relates to The Marshall Plastic Film Defendants [D.I. No. 44];
16. Reply Brief in Further Support of Defendants Sam Chebeir's Motion to Dismiss [D.I. No. 45];
17. Reply Brief in Further Support of Defendants Charles J. Warr, Paul D. Gage, Stephen S. Wilson, G. Kenneth Pope Jr., Kenneth Olender and Daniel A. Jones III's Motion to Dismiss [D.I. No. 46];
18. Key Packaging Defendants' Reply Brief in Support of Defendants' Motion to Dismiss the Complaint [D.I. No. 47];
19. Letter to the Honorable Walter Shapero regarding recent applicable court decisions filed by B.A. Capital Company, LP [D.I. No. 63];
20. Letter to the Honorable Walter Shapero from Karen E. Wagner, Esq. regarding the submission of a recent decision in connection with the pending motions to dismiss [D.I. No. 64];
21. Opinion granting Motions to Dismiss [D.I. No. 70];
22. Order granting Motions to Dismiss and Dismissing Adversary Proceeding [D.I. No. 71];

23. Notice of Appeal (BAP 07-62) [D.I. No. 72];
24. Voluntary Petition [D.I. No. 1 in main case 03-11489];
25. Notice of Appeal [Dock. No. 1];
26. Designation Of Record On Appeal and Statement of Issues by William Brandt [Dock. No. 2];
27. Designation Of Additional Items for Record On Appeal by B.A. Capital Co. LP [Dock. No. 3];
28. Counter-Designation Of Items to be Included in the Record on Appeal Submitted by Key Packaging Defendants [Dock. No. 4];
29. Appellant's Opening Brief [Dock. No. 5];
30. Appellant's Appendix [Dock. No. 6];
31. Appellee B.A. Capital Company LP's Opposition Brief [Dock. No. 15];
32. Answering Brief of Appellees Charles J. Warr, Paul D. Gage, Stephen S. Wilson, G. Kenneth Pope, Jr., Kenneth Olenler and Daniel A. Jones III [Dock. No. 16];
33. Answering Brief of Appellee Sam Chebeir [Dock. No. 17];
34. Memorandum of Law of the Marshall Plastic Film Defendants In Reply to the Opening Brief of the Appellant [Dock. No. 18];
35. Answering Brief of Appellees Key Packaging Shareholders [Dock. No. 19];
36. Appellant's Consolidated Reply Brief [Dock. No. 23];
37. Memorandum Opinion [Dock. No. 24];

- 38. Final Order [Dock. No. 25];
- 39. Notice of Appeal [Dock. No. 26]

Dated: June 12, 2008
Wilmington, Delaware

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CERTIFICATE OF SERVICE

I, Christopher P. Simon, Esquire do hereby certify that on this 12th day of June, 2008, I caused copies of the *Designation of Record on Appeal* to be served upon the parties listed below as indicated:

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